

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-CR-258-D
No. 5:11-CV-367-D

RODNEY EARL CANNADY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

On April 28, 2018, the court dismissed as successive Cannady's motion for relief under Rule 60(b)(6). See [D.E. 136, 137, 138]; cf., e.g., 28 U.S.C. § 2255(h); Burton v. Stewart, 549 U.S. 147, 152–53 (2007) (per curiam); In re Williams, 364 F.3d 235, 238 (4th Cir. 2004); United States v. Winestock, 340 F.3d 200, 205–08 (4th Cir. 2003). On May 18, 2018, Cannady moved to amend his Rule 60(b)(6) motion [D.E. 139]. On July 20, 2018, Cannady filed a notice of appeal with the United States Court of Appeals for the Fourth Circuit [D.E. 140]. On December 21, 2018, the Fourth Circuit dismissed Cannady's appeal as untimely [D.E. 143].

Cannady's motion to amend his Rule 60(b)(6) motion [D.E. 139] is baseless. The motion is DENIED. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

SO ORDERED. This 23 day of January 2019.

James C. Dever
JAMES C. DEVER III
United States District Judge